

PH

REMARKS

Reconsideration of the Office action mailed April 7, 2004 in connection with the above-identified patent application is requested in view of the foregoing amendments and the following remarks.

Election/Restrictions

In the current Office Action, the Examiner says claims 1, 3-8, 14, 16-21, 25-29 and 34 have been withdrawn from consideration because they are drawn to a non-elected invention. (Office Action, 2.) Applicant traverses that statement because it is incorrect. Several of those claims were elected and the Examiner previously said several of those claims would be examined.

The Examiner issued a first restriction requirement in an Office Action mailed September 9, 2003, and applicant responded to that requirement on September 26, 2003. In the next Office Action, mailed December 16, 2003, the Examiner withdrew the first restriction requirement and issued a second restriction requirement. The second restriction requirement required applicant to elect between two groups: Group 1, including claims 1-16 and 21-34; and Group 2, including claims 17-20. (Office Action mailed 12-16-03, page 2.) The Examiner also said that if applicant elected Group 1, applicant must further elect between one of the following three sub-groups: Group A, including claims 6-7; Group B, including claims 9-13, 15, 24 and 30-33; and Group C, including claims 28 and 29. The Examiner also stated: "Claims 1-5, 8, 14, 16, 21-23, 25-27, 34 are in no group and will be examined with the elected invention." *Id.* at 3. In response to the second restriction requirement, applicant elected Group 1 and Sub-Group B. (Response mailed 1-2-04.) Thus, the currently pending claims are claims 1-5,

8-16, 21-27 and 30-34, which are the claims applicant elected and the claims which the Examiner said would be examined with the elected invention. Applicant requests that all of those claims be examined. The Examiner is requested to inform applicant if further information concerning this issue is needed.

Special Circumstances

The Examiner asked applicant to point out any material information from co-pending applications listed as parents to the instant application if the criteria for materiality applies and if the examination record provides reason for applicant to believe that the Examiner has not considered such information. Applicant is uncertain what the Examiner is requesting. Applicant has previously identified its applications and believes that identification satisfies its duty of disclosure. Nevertheless, in an attempt to respond to the request, applicant has attached to the end of this document as "Attachment 1" a list of its patent applications and its one Taiwanese patent (the list does not include the national phase filings of the listed PCT application). The Examiner is requested to inform applicant if further information concerning any of these applications is needed.

Objections to Claims and Specification

The Examiner objected to claims 2, 9, 10-12 and 30-31, and to applicant's specification, "because of the use of the English system of measurements." (Office Action, 4.) First, applicant notes that claims 2 and 9 do not include measurements or dimensions and therefore the objection to these claims is unfounded. Concerning the objection to claims 10-12 and 30-31 and applicant's specification, applicant traverses the objection and points out that there is no requirement that applicant use the metric system; rather, it is simply recommended. MPEP §608.01. The reason for that

recommendation is to minimize the need to convert English units into metric units. *Id.* However, if using metric units would result in persons of ordinary skill having to convert the metric units into English units in order to easily understand a claim, then the reason to use metric units is negated. For example, the diameter of small wire, such as may be used as a fusible member in the embodiments described in applicant's specification, is typically defined with English measurements, not metric units, and referring to that diameter in metric units would result in claims that are more difficult to understand by a person of ordinary skill in the art. Similarly, the tensile load specified in claims 30 and 31 is typically defined in English units and therefore metric units would be more difficult to understand by a person of ordinary skill in the art. Nevertheless, applicant has amended claims 10-12, 30 and 31 to include metric units in parenthesis. The Examiner is requested to inform applicant if further information concerning this issue is needed.

Double Patenting

The Examiner stated: "It should be noted that for the purpose of this office action the below rejections under 35 U.S.C. 101 (double patenting) are being made under the assumption that the applications were not commonly owned at the time of applicant's invention." (Office Action, 2.) Applicant is uncertain what the Examiner means by this statement. The double patenting rejections set forth in the Office Action were made under the judicially created doctrine of obviousness-type double patenting, not under 35 U.S.C. 101, so applicant does not understand why reference was made to that statute. Additionally, as far as applicant is aware, obviousness-type double patenting rejections are made between commonly owned applications so applicant does not understand why the assumption was made that the applications were not commonly

owned. The Examiner is requested to inform applicant if further information concerning these points is needed.

The Examiner also stated: "Additionally, it should be noted that the below double patenting rejections are based upon known and available co-pending applications and although it is believed that all appropriate rejections have been made, Applicant's help in determining all appropriate double patenting rejections with all of Applicant's applications is requested because of the large number of similar applications." (Office Action, 2.) Applicant is uncertain what help the Examiner is requesting. To the extent the Examiner is asking for identification of applicant's co-pending applications, then, as stated above, applicant has attached to the end of this document a list of its patent applications and its one Taiwanese patent. Additionally, to the extent that applicant is aware of any double patenting issue, applicant will take some action to address or defer the issue, such as by amending or canceling claims, by traversing the rejection, by filing a terminal disclaimer, or by taking some other action. The Examiner is requested to inform applicant if further information concerning this issue is needed.

The Examiner provisionally rejected claims 2, 22 and 23 under the judicially created doctrine of obviousness type double patenting in light of claims 1, 2 and 8-11 from co-pending Application No. 10/052,274. That rejection is traversed. First, claims 22 and 23 in the present application have been cancelled without prejudice in order to define more specifically what applicant seeks to patent by this application, and therefore the rejection of claims 22 and 23 is now moot. Additionally, claims 1, 2, 10 and 11 from the co-pending application have been cancelled without prejudice, so the rejection based on those claims is moot. There remains the double patenting rejection of claim 2

Page 11 - FIRST AMENDMENT
Serial No. 09/929,240

In light of claims 8 and 9 in the co-pending application. Concerning that rejection, neither claim 8 nor 9 in the co-pending application describes "a fusible member" or "a firing subsystem" as required by claim 2 in the present case. Because the cited claims from the co-pending application do not teach all the limitations from claim 2, they cannot by themselves establish the obviousness of claim 2. MPEP, §2143.03 (all claim limitations must be taught). Accordingly, claim 2 in the present application is patentably distinct and the obviousness-type double patenting rejection should be withdrawn.

The Examiner also provisionally rejected claims 22 and 23 under the judicially created doctrine of obviousness type double patenting in light of claims 1, 3-5, 8 and 11-16 from co-pending Application No. 09/929,227. That rejection is traversed, but is now moot because applicant has cancelled claims 22 and 23 without prejudice.

The Examiner also provisionally rejected claims 2, 22 and 23 under the judicially created doctrine of obviousness type double patenting in light of claims 1 and 3-9 from co-pending Application No. 09/929,236. That rejection is traversed. Nevertheless, as previously stated, claims 22 and 23 have been cancelled without prejudice so the rejection of those claims is now moot. Applicant is also canceling without prejudice claims 3-5, 8 and 9 from the co-pending application concurrently with the filing of this amendment and therefore this double-patenting rejection of claim 2 is also moot.

The Examiner also provisionally rejected claims 2, 22 and 23 under the judicially created doctrine of obviousness type double patenting in light of claims 1 and 5-14 from co-pending Application No. 09/929,237. That rejection is traversed. Again, the rejection of claims 22 and 23 is moot because those claims have been cancelled without prejudice. Additionally, claims 12-14 from the co-pending application have been

cancelled without prejudice, so the rejection based on those claims is moot. Concerning claims 1 and 5-11 from the co-pending application, none of those claims teach a fusible member "to trigger the reaction system to perform the specified action upon fusing of the fusible member" or "a firing subsystem to fuse the fusible member upon detection of the dangerous condition" as required by claim 2 in the current application. Applicant recognizes that claim 6 from the co-pending application recites "a fusible member," but it does so without teaching that the fusible member triggers the brake mechanism or that the machine includes a firing subsystem to fuse the fusible member upon detection of the dangerous condition. Thus, the co-pending application does not teach all the limitations from claim 2 and therefore cannot by itself establish the obviousness of that claim. MPEP, §2143.03 (all claim limitations must be taught).

The Examiner also provisionally rejected claims 22 and 23 under the judicially created doctrine of obviousness type double patenting in light of claims 1, 5, 6, 8 and 22-26 from co-pending Application No. 09/929,241. That rejection is traversed, but is now moot because applicant has cancelled claims 22 and 23 without prejudice.

The Examiner also provisionally rejected claims 2, 22 and 23 under the judicially created doctrine of obviousness type double patenting in light of claims 1-20 from co-pending Application No. 10/202,928. That rejection is traversed. As stated, applicant has cancelled claims 22 and 23 without prejudice so this rejection of those claims is moot. Applicant is also canceling without prejudice claims 8-10 from the co-pending application concurrently with the filing of this amendment and therefore this double-patenting rejection of claim 2 in the present application is also moot.

The Examiner also provisionally rejected claims 2, 22 and 23 under the judicially created doctrine of obviousness type double patenting in light of claims 1-20 from co-pending Application No. 10/146,527. That rejection is traversed. As stated, applicant has cancelled claims 22 and 23 without prejudice so this rejection of those claims is moot. Applicant is also canceling without prejudice claim 17 from the co-pending application concurrently with the filing of this amendment and therefore this double-patenting rejection of claim 2 in the present application is also moot.

The Examiner also provisionally rejected claims 22 and 23 under the judicially created doctrine of obviousness type double patenting in light of claims 1-20 from co-pending Application No. 10/189,027. That rejection is traversed, but is now moot because applicant has cancelled claims 22 and 23 without prejudice.

Statement Under 37 CFR 1.78(c)

The Examiner required applicant under 35 USC §103(c) and 37 CFR 1.78(c) to state whether the Inventions claimed in the applications cited as the bases for the double patenting rejections were commonly owned at the time the invention claimed in the present application was made. In response, SD3, LLC states that the inventions claimed in the present application and in the co-pending applications cited by the Examiner were commonly owned or subject to an obligation of assignment to SD3, LLC at the time each later invention was made. The undersigned is authorized to make this statement on behalf of SD3, LLC. By making this statement applicant does not concede that the cited claims are conflicting claims or that the double patenting rejections are proper.

Claim Rejections – 35 USC §102(f)

The Examiner rejected claims 2, 9-13, 15, 22-24 and 30-33 under 35 U.S.C. §102(f) by saying applicant did not invent the claimed subject matter. Specifically, the Examiner said, "It is not clear who actually invented the subject matter of claims 2, 9-13, 15, 22-24 and 30-33 because each of the above co-pending applications [referring to the co-pending application cited to support the double patenting rejections] have different inventive entities." (Office Action, 9.) This rejection is traversed.

The inventors named in the present application are the inventors of the subject matter claimed in the present application. Multiple individuals are named as inventors because each individual made a contribution to the subject matter of at least one claim of the application, even though each individual may not have made the same type or amount of contribution and even though each individual may not have made a contribution to the subject matter of every claim in the application. Different inventive entities are named in the co-pending applications cited by the Examiner because those named individuals made contributions to the subject matter of at least one claim of the other applications. The fact that inventive entities may be different in various applications does not mean that inventorship is incorrect in the present application. Often applications with overlapping subject matter but with additional disclosures and differing sets of claims have different inventive entities. That is the situation here. The present application and the co-pending application cited by the Examiner have disclosures and claims that differ and that require the naming of different inventive entities. Thus, there is no inconsistency in inventorship. Accordingly, applicant requests the rejection under 35 U.S.C. § 102(f) be withdrawn.

Claim Rejections – 35 USC §102(b)

The Examiner rejected claims 30 and 31 under 35 USC §102(b) as anticipated by U.S. Patent No. 5,056,426 to Julien et al. That rejection is traversed. Nevertheless, applicant has amended claims 30 and 31 to specify that "the electrical gate system is adapted to selectively control the flow of sufficient current to fuse the fusible member in less than 10 milliseconds." Nothing in Julien discloses this limitation. To the contrary, Julien discloses fusing wires within "10-40 milliseconds." (Column 3, line 54.) Accordingly, claims 30 and 31 distinguish Julien.

Claim Rejections – 35 USC §103

The Examiner rejected claim 32 under 35 USC §103(a) as obvious over U.S. Patent No. 5,046,426 to Julien. That rejection is traversed. Nevertheless, claim 32 depends from claim 30 and therefore has been amended to require an electrical gate system "adapted to selectively control the flow of sufficient current to fuse the fusible member in less than 10 milliseconds." Nothing in Julien discloses this limitation. To the contrary, Julien discloses fusing wires within "10-40 milliseconds." (Column 3, line 54.) Accordingly, claim 32 as amended is not obvious in light of Julien.

Similarly, the Examiner rejected claim 33 under 35 USC §103(a) as obvious over Julien in view over U.S. Patent No. 5,471,888 to McCormick. That rejection is traversed. Nevertheless, claim 33 also depends from claim 30 and therefore has been amended to require an electrical gate system "adapted to selectively control the flow of sufficient current to fuse the fusible member in less than 10 milliseconds." Nothing in Julien or McCormick discloses this limitation, and therefore claim 33 should be allowed.

The Examiner rejected claims 2, 9-12 and 22-24 under 35 USC §103(a) as obvious over U.S. Patent No. 3,785,230 to Lokey or U.S. Patent No. 3,785,230 to Friemann et al. or U.S. Patent No. 4,117,752 to Yoneda in view of U.S. Patent No. 3,695,116 to Baur. This rejection is traversed. (Claims 22-24 have been cancelled without prejudice, so the rejections of those claims are moot and not discussed below.)

The Examiner says Lokey, Friemann and Yoneda all disclose some type of cutting machine with a detection system capable of detecting a dangerous condition and with some type of reaction system to perform a specified action upon detection of the dangerous condition. However, the Examiner recognizes that those references fail to disclose "a fusible member to trigger the reaction system to perform the specified action upon fusing of the fusible member; and a firing subsystem to fuse the fusible member upon detection of the dangerous condition." The Examiner says Bauer discloses an actuator with a fusible member and firing subsystem, and it would have been obvious to use the actuator of Bauer with the machines of Lokey, Friemann and Yoneda.

In order to establish obviousness, "there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference" MPEP §2142. Applicant asserts that there is no such suggestion in any of the cited references. Nothing suggests using a single-use, collapsible actuator as disclosed in Bauer in the brake systems of Lokey, Friemann or Yoneda. To the contrary, the combination proposed by the Examiner would significantly change the devices of Lokey, Friemann and Yoneda and would restrict the intended operation of those systems.

The brake systems disclosed in Lokey, Friemann and Yoneda are all designed for repeated uses. Modifying those devices to include Baur's actuators, as suggested by the Examiner, would eliminate that multiple-use capability and replace it with a single-use actuator that must be replaced each time it is triggered. Specifically, Baur's single-use actuator, if included in the brake systems of Lokey, Friemann and Yoneda, would have to be replaced after every use before the brake system could be triggered again. Nothing in any of the cited references teaches or suggests the desirability of such a system. Instead, the actuators and/or control circuits used in the brake systems disclosed in Lokey, Friemann and Yoneda are all capable of repeated use. Thus, the change suggested by the Examiner changes a principle of operation of Lokey, Friemann and Yoneda, and there is no reason to make that change other than to reconstruct the machines recited in applicant's pending claims. MPEP 2143.01.

Moreover, there is no teaching or suggestion in any cited reference explaining how to include Baur's actuator in a brake system as disclosed in Lokey, Friemann or Yoneda. Baur shows an actuator made from a "collapsible dual piston assembly." (Baur, column 1, lines 50-51.) The pistons are prevented from collapsing by a pair of shear pins. The shear pins are made from a heat-ignitable material so that when they ignite, they release the pistons and allow them to collapse. (Baur, column 1, lines 51-68.) Figure 7 in Baur shows how the actuator may be used. A pair of springs 58 in a housing 55 push on pivotable latches 62 and an actuator 50 prevents the latches from pivoting until the shear pins are ignited. When the shear pins are ignited, the actuator collapses under the force of the springs. How would that actuator work in the brake systems shown in Lokey, Friemann and Yoneda? Where would the actuator be mounted and

how would it trigger the required action? What additional structure would be required if Baur's actuator could be included in those brake systems? These questions are unanswered by the teachings of the cited references. Without answers to these questions, there is no reasonable expectation that the suggested combination would be successful, and a conclusion of obviousness is improper without that reasonable expectation. MPEP 2143 and 2143.02.

Nevertheless, the Examiner says it would have been obvious to use Baur's actuator "in order to create less expensive, smaller and fast acting braking systems." (Office Action, 12.) However, applicant is unaware of any teaching or suggestion in the cited references to support that conclusion. In fact, the opposite conclusion is more likely. For example, the dual-piston structure and the heat-ignitable material used in Baur's actuators would likely cause those actuators to be more expensive than solenoids or control circuits, especially over the long term where Baur's actuators would have to be replaced after each use. Baur's actuators would likely be larger than the solenoids and control circuits disclosed in Lokey, Friemann and Yoneda, given the fact that Baur's actuators require additional structure, such as shown in Figures 7 and 8 of Baur, in order for the actuator to trigger some action. The only example given by Baur as to the speed at which his actuator works is that the dual-pistons may collapse within 40 milliseconds when subjected to a biasing force of 80 pounds. (Column 5, lines 21-24.) It is unclear whether that is faster than the systems disclosed in Lokey, Friemann and Yoneda.

Applicant asserts that the Examiner suggests combining Baur with Lokey, Friemann or Yoneda only because of applicant's teachings. If one has not reviewed

applicant's disclosure, there would be no reason to include a fusible member in a cutting machine to trigger some action in response to the detection of a dangerous condition; one would use Lokey's solenoid or Friemann's and Yoneda's control circuits instead. But in an obviousness analysis, one must review the prior art without the benefit of applicant's disclosure. One cannot use the teaching of applicant's disclosure to suggest the modification to the prior art. The law is "clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references." In re Dembicza, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999) (citations omitted). A suggestion, teaching or motivation to combine or modify references "must be clear and particular." Id. (citation omitted). There is no clear and particular suggestion, teaching or motivation to modify the brake systems of Lokey, Friemann or Yoneda to include an actuator with a fusible member, and therefore, the conclusion of obviousness should be withdrawn.

Claims 11 and 12 depend from claims 2 and 9 and should be allowable with those claims. Claims 11 and 12 also specify that the spacing between electrodes is less than 0.1 or 0.05 inches, respectively. The Examiner says those dimensions are merely matters of design choice, but as far as applicant is aware, nothing in Baur suggests its actuator could be constructed with electrodes spaced that closely.

The Examiner rejected claim 13 under 35 USC §103(a) as obvious over Lokey, Friemann or Yoneda in view of Baur and U.S. Patent No. 4,589,047 to Gaiis et al. This rejection is traversed. Claim 13 depends from claims 2 and 9 and should be allowed for the same reasons given above concerning those claims. Additionally, claim 13 specifies

that two-spaced apart electrodes are traces on a circuit board. The Examiner says Gaiis discloses traces, so it would have been obvious to uses traces as electrodes. However, applicant has found nothing in Gaiis suggesting that traces on a circuit board may be used as electrodes to fuse a fusible member. On the contrary, Gaiis shows a fusible wire 10 wound to pins 38 and 39 – the fusible wire does not contact traces.

The Examiner rejected claim 15 under 35 USC §103(a) as obvious over Lokey, Friemann or Yoneda in view of Baur and Gaiis. This rejection is also traversed. Claim 15 depends from claim 2 and should be allowed for the same reasons as claim 2. Additionally, claim 15 specifies that the firing subsystem includes at least one silicon controlled rectifier.

Claims 2, 9-13, 15 and 22-24 were also rejected under 35 USC §103(a) as obvious over Lokey, Friemann or Yoneda in view of Gaiis. This rejection is traversed. (Claims 22-24 have been cancelled without prejudice, so the rejections of those claims are moot and not discussed below.)

As explained above, the Examiner says Lokey, Friemann and Yoneda all disclose some type of cutting machine with a detection system capable of detecting a dangerous condition and with some type of reaction system to perform a specified action upon detection of the dangerous condition, but they do not disclose a fusible member or a firing subsystem. The Examiner says Gaiis "discloses that it is old and well known in the art to use switching devices comprised of spring biased actuators with firing subsystems that are electrically responsive by tensioned wires for the purpose of providing fast acting, less expensive, and smaller devices that provide large mechanical forces," and "[t]herefore, it would have been obvious to one of ordinary skill in the art at

the time of the invention was made to replace the electromagnetic/solenoid actuators of Lokey, Friemann et al., and Yoneda with spring loaded actuators with firing subsystems, as taught by Gails et al., in order to create less expensive, smaller and fast acting braking systems." (Office Action, 15.)

Gails is like Baur in that it discloses a single-use device. Using the device of Gails in the systems of Lokey, Friemann and Yoneda, if it were possible to do so, would change the principle of operation of Lokey, Friemann and Yoneda from systems capable of multiple uses to single-use systems, and that is improper.

There is also no teaching or suggestion in any cited reference explaining how to include Gails' actuator in a brake system as disclosed in Lokey, Friemann or Yoneda. Gails shows a small wire 10 wound around pins 38 and 39, and a spring clip 35 is held by the wire. How would that wire and spring clip work in the brake systems shown in Lokey, Friemann and Yoneda? Where would they be mounted and how would they trigger the required action? What additional structure would be required if Gails' system could be included in those brake systems? Gails' system is also designed to trigger upon an undesired increase in current flow. How would that system work to trigger an action upon detection of a dangerous condition between a cutting tool and a person instead of increased current flow? These questions are unanswered by the teachings of the cited references. Without answers to these questions, there is no reasonable expectation that the suggested combination would be successful, and a conclusion of obviousness is improper without that reasonable expectation. MPEP 2143 and 2143.02.

The simple fact that Gails discloses a fusible member used in a protective circuit for devices such as hair dryers does not mean that it would have been obvious to

include a fusible member and firing subsystem in a cutting machine to trigger an action upon the detection of a dangerous condition between a person and a cutting tool. In fact, applicant asserts that Galls is outside of the proper scope and content of the prior art for an obviousness inquiry concerning cutting machines.

Concerning claims 9-13 and 15, those claims depend from claim 2 and should be allowable with claim 2. Those claims also include other limitations that distinguish the cited references, as explained above.

Applicant asserts that the differences discussed above between the currently pending claims and the cited references are sufficient to show that the claims are not obvious in light of the cited references. This conclusion is further supported by objective evidence of non-obviousness. Every year in the United States there are tens of thousands of people severely injured with power saws according to the U.S. Consumer Product Safety Commission, National Electronic Injury Surveillance System, Directorate for Epidemiology.¹ These are all severe injuries that require a visit to a hospital emergency room. About 10% of these injuries result in amputations. The number and severity of these injuries clearly shows there is a long felt need for safer saws. The fact that others have tried to solve this problem is evidenced by the Lokey, Friemann and Yoneda patents cited by the Examiner. However, the continued high number of severe injuries shows that those attempts have failed. Fortunately, saws constructed as required by applicant's currently pending claims have the potential to significantly reduce the severity of these injuries. The long felt need for safer saws and the failure of

¹ These statistics are publicly available from the U.S. Consumer Product Safety Commission at www.cpsc.gov.

others to satisfy that need supports the conclusion that applicant's claims are non-obvious. (See the declaration of inventor Stephen F. Gass, ¶5, submitted concurrently.) Additionally, the fact that no one has combined actuators as disclosed in Baur and Galis with saws as disclosed in Lokey, Friemann and Yoneda, supports the conclusion that it is not obvious to do so. If it was, someone would have done it.

Additionally, the technology which is the basis for saws constructed as required by applicant's currently pending claims has been recognized as new and innovative by various entities associated with the woodworking industry, as shown by the following awards (See Gass Decl. ¶6):

- Chairman's Commendation. The U.S. Consumer Product Safety Commission awarded the technology a Chairman's Commendation for significant contributions to product safety. That award was reported nationally on CNN Headline News.
- Challenger's Award. At an International Woodworking Fair in Atlanta, Georgia, the technology won the Challenger's Award, which is the woodworking industry's highest honor. It recognizes the most innovative and technically advanced improvements to woodworking equipment.
- Popular Science – One of the 100 Best New Innovations. The magazine *Popular Science* identified the technology as one of the 100 best new innovations of 2002.
- Workbench Magazine – One of the Top 10 Tools for 2003. *Workbench* magazine included saws incorporating the technology on its list of the top 10 innovative tools for 2003.

- Woodwork Institute of California Endorsement. The Woodwork Institute of California has endorsed the technology, stating:

As a Trade Association in the construction industry (representing over 250 manufacturers of architectural millwork with an excess of 4,000 employees, all of whom use saws of one type or another) we find your SawStop technology and its potential of eliminating or reducing worker injury of extreme significance. Generally, we would not endorse a commercial product; however the potential benefit to our members and their employees of implementing the SawStop technology on the tools used within our industry overrides such.

- Editor's Choice Award, Tools of the Trade. The magazine *Tools of the Trade* awarded the technology its 2001 Editor's Choice Award in recognition of its significance.

The technology that is the basis for applicant's currently pending claims also has been the subject of extensive media coverage, including national coverage by CNN Headline News, by the television program NEXT@CNN, by the Associated Press, and by Paul Harvey on the ABC Radio Network. (See Gass Decl. ¶7.) Additionally, numerous magazines have published reports about the technology, and have referred to it as "revolutionary," "unique," and "ingenious." Id. The media's interest in the technology supports the conclusion that the technology is novel and noteworthy.

In summary, the differences between the cited references and the claims, the lack of a teaching, suggestion or motivation to modify or combine prior art references, the lack of a reasonable expectation of success, and objective indicia of non-obviousness all support the conclusion that the above-discussed claims are not obvious.

Withdrawn Claims

Applicant requests that withdrawn claims 6 and 7 be reinstated when claims 2 and 5 are allowed because they depend from those claims.

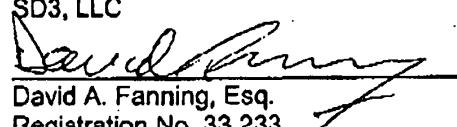
Page 25 - FIRST AMENDMENT
Serial No. 09/929,240

Conclusion

With the entry of the above amendments, and for the reasons discussed herein, Applicant submits that all of the issues raised in the Office action mailed April 7, 2004 have been addressed and overcome. If there are any remaining issues or if the Examiner has any questions, applicant's undersigned attorney can be reached at the number listed below. Similarly, if the Examiner believes that a telephone interview might be productive in advancing prosecution of the present application, the Examiner is invited to contact applicant's undersigned attorney at the number listed below.

Respectfully submitted,

SD3, LLC



David A. Fanning, Esq.
Registration No. 33,233
Customer No. 27630
22409 S.W. Newland Road
Wilsonville, Oregon 97070
Telephone: (503) 638-6201
Facsimile: (503) 638-8601

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- BLACK BORDERS**
- IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- FADED TEXT OR DRAWING**
- BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- SKEWED/SLANTED IMAGES**
- COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- GRAY SCALE DOCUMENTS**
- LINES OR MARKS ON ORIGINAL DOCUMENT**
- REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- OTHER: _____**

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.